

EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION**Los Angeles Regional Water Quality Control Board**

March 11, 2013

Mr. Patrick Prescott
Deputy City Planner
Community Development
City of Burbank
150 North Third Street
Burbank, California 91502

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7011 2970 0000 0645 3120

Mr. Emmanuel B. Liban
Director
Environmental Compliance and Services
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza, MS 99-17-2
Los Angeles, California 90012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7011 2970 0000 0645 3137

SUBJECT: REQUIREMENT FOR TECHNICAL REPORT PURSUANT TO CALIFORNIA WATER CODE SECTION 13267 ORDER NO. R4-2013-0029

SITE: FORMER SOUTHERN PACIFIC TRANSPORTATION COMPANY/RAILCHEM, INCORPORATED; CITY OF BURBANK & LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, 201 NORTH FRONT STREET, BURBANK, CALIFORNIA (FILE NO. 109.5913)

Dear Messrs. Prescott and Liban:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of the Los Angeles and Ventura Counties, including the referenced site.

The Regional Board is investigating potential sources for groundwater contamination within the United States Environmental Protection Agency (USEPA) San Fernando Valley Superfund Site (Superfund Site). It is known that groundwater within the Superfund Site, including the vicinity of the former Railchem, Incorporated (Railchem) facility, is contaminated with volatile organic compounds (VOCs) and heavy metals, particularly chromium.

Regional Board staff has reviewed technical information and historical documents contained in Regional Board files for the property located at 201 North Front Street, in the City of Burbank, California (the Site). Regional Board files indicate that Railchem leased and operated at the Site, formerly owned by

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

Mr. Patrick Prescott
City of Burbank
Mr. Emmanuel B. Liban
LA County Metropolitan Transportation Authority

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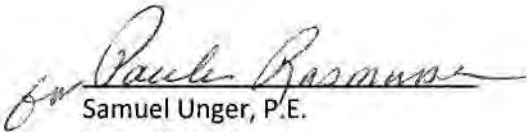
Southern Pacific Transportation Company, for approximately 9 years, between 1975 and 1984. Railchem is a chemical distribution company whose operations at the Site included treatment, storage and disposal of various spent/contaminated chemicals and other hazardous materials. Based on our review of available data, we have determined that the chemical handling operations once conducted by Railchem may have impacted the soil and groundwater beneath the Site.

Regional Board files also indicate that in 1992, the City of Burbank purchased the Site and constructed the Burbank Metrolink Station at the Site in conjunction with the Los Angeles County Metropolitan Transportation Authority.

The potential impact to the subsurface soils, as a result of Railchem operations at the Site, has not been determined. Enclosed is a Regional Board Order for technical report requirement pursuant to California Water Code Section 13267 Order No. R4-2013-0029 (Order). As the owner and responsible party for the Site, both entities named herein are required to comply with the Order and prepare and submit a Subsurface Soil Investigation Workplan for the Site in order to evaluate the potential for groundwater contamination.

Should you have any questions related to this project, please contact Ms. Luz Arteaga via telephone at (213) 576-6783 or via email at luz.arteaga@waterboards.ca.gov.

Sincerely,



Samuel Unger, P.E.
Executive Officer

Enclosure: California Water Code Section 13267 Order No. R4-2013-0029

cc: Ms. Lisa Hanusiak, USEPA Region IX
Mr. Leo Chan, City of Glendale
Mr. Bill Mace, City of Burbank Water Supply Department
Mr. Vahe Dabbaghian, Los Angeles Department of Water & Power
Mr. Milad Taghavi, Los Angeles Department of Water & Power
Mr. Richard Slade, ULARA Watermaster

Los Angeles Regional Water Quality Control Board

**ORDER TO PROVIDE A TECHNICAL REPORT FOR
SUBSURFACE SOIL INVESTIGATION
CALIFORNIA WATER CODE SECTION 13267 ORDER NO. R4-2013-0029**

**DIRECTED TO CITY OF BURBANK AND LOS ANGELES COUNTY METROPOLITAN
TRANSPORTATION AUTHORITY**

**FORMER SOUTHERN PACIFIC TRANSPORTATION COMPANY/RAILCHEM, INCORPORATED
201 NORTH FRONT STREET, BURBANK, CALIFORNIA
(FILE NO. 109.5913)**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) makes the following findings and issues this Order pursuant to California Water Code (CWC) section 13267.

1. The groundwater within the San Fernando Valley Groundwater Basin has been impacted by heavy metals, specifically chromium. As a result of the groundwater impacts, we are investigating potential sources of the contamination. The current investigation, led by the United States Environmental Protection Agency (USEPA) and the Regional Board, is focused on identifying individuals and companies responsible for the chromium contamination in the region and holding them responsible for the investigation and remediation of the affected Site. The above Site is located in the investigative area.
2. The subject property located at 201 North Front Street in the City of Burbank, California (the Site) was formerly owned by Southern Pacific Transportation Company who occupied the Site for approximately 28 years, between 1927 until abandoning it in 1955. In 1965, an appliance company occupied the Site until 1975. Between 1975 and 1984 the Site was leased to Railchem, Incorporated (Railchem) who operated a chemical distribution facility which treated, stored and disposed of various spent/contaminated chemicals and other hazardous materials. In 1984, Railchem ceased chemical handling operations at the Site and began operating Valley Environmental until 1990. In 1992, the City of Burbank purchased the Site and in conjunction with the Los Angeles County Metropolitan Transportation Authority constructed the Burbank Metrolink Station at the Site.

Previous soil and groundwater investigations and remediation activities were conducted at the Site. The Regional Board issued a "No Further Requirements" letter with regard to volatile organic compounds (VOCs) on February 20, 1998 and with regard to hexavalent chromium investigation on December 23, 2003. However, as described in paragraph four (4), new information has been made available to the Regional Board indicating that additional work is required in order to completely characterize the subsurface soils condition and potential groundwater contamination.

3. CWC section 13267(b)(1) states, in part: In conducting an investigation the Regional Board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the Regional Board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the Regional Board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.
4. Regional Board staff has obtained evidence indicating that there is or has been a potential for discharge of waste at or from the Site. The supporting evidence was obtained from a Preliminary Environmental Site Assessment Report (Report) submitted to the Regional Board on April 16, 1990 by Southern Pacific Environmental Systems, Incorporated on behalf of Southern Pacific Transportation Company. The Report indicated that on November 30, 1983, the Los Angeles County Department of Health Services obtained and analyzed eight (8) surface soil samples from the Site. The analytical results indicated that chromium concentrations were detected in all soil samples analyzed, ranging between 32.4 mg/kg and 1,840 mg/kg. No reference was provided of the location of the eight soil samples collected at the Site.

Railchem is among the suspected sources of waste discharge in the USEPA San Fernando Valley Superfund Site (Superfund Site) because of chemical handling operations conducted at the Site. It is known that groundwater within the Superfund Site, including the vicinity of the former Railchem facility, is contaminated with VOCs and heavy metals, particularly chromium. To date, a complete subsurface investigation of heavy metals in soil or groundwater has not been performed at the Site.

5. This Order identifies the City of Burbank and the Los Angeles County Metropolitan Transportation Authority as the entities responsible for the potential unauthorized discharge of waste identified in paragraphs one (1) and two (2) because the City of Burbank and the Los Angeles County Metropolitan Transportation Authority, currently own the property on which the chemical handling operations were conducted that may have potentially impacted the soil and groundwater beneath the Site.
6. This Order requires the City of Burbank and the Los Angeles County Metropolitan Transportation Authority to prepare and submit a Subsurface Soil Investigation Workplan (Workplan) in order to evaluate the conditions at the Site and determine if any unauthorized release of heavy metal compounds, specifically chromium, has impacted the soils beneath the Site that could consequently pose a threat to groundwater. You are expected to submit a complete Workplan, as required by this Order, to the Regional Board. The Regional Board may reject the Workplan if it is deemed incomplete and/or require revisions to the Workplan under this Order.
7. The Regional Board needs this information in order to determine the subsurface soil conditions at the Site as part of the efforts to identify sources of chromium contamination in the San Fernando Valley.

8. The burdens, including costs, of these reports bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The information is necessary to assure adequate cleanup of the former Railchem facility, which as described above may have discharged chromium waste detected in the subsurface soil and groundwater and potentially poses significant threats to public health and the environment.
9. The issuance of this Order is an enforcement action by a regulatory agency and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. This Order requires submittal of technical and/or monitoring reports and workplans. The proposed activities under the Workplan are not yet known. It is unlikely that implementation of the Workplan associated with this Order could result in anything more than minor physical changes to the environment. If the implementation may result in significant impacts on the environment, the appropriate lead agency will address the CEQA requirements prior to implementing any Workplan.
10. Any person aggrieved by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at the following link:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED that City of Burbank and the Los Angeles County Metropolitan Transportation Authority pursuant to section 13267(b) of the CWC, are required to submit the following:

1. A Subsurface Soil Investigation Workplan (Workplan) must be submitted by **April 15, 2013**. We are providing a guidance document entitled "*General Work Plan Requirements for a Heavy Metal Soil Investigation*" to assist you with this task. Additional information can be found in our guidance manual entitled "*Interim Site Assessment & Cleanup Guidebook (May1996)*," which can be found on the Internet at the following link:

http://www.waterboards.ca.gov/losangeles/water_issues/programs/remediation/may1996_voc_guidance.shtml

2. The Workplan must contain a health and safety plan (HASp), as per the guidelines.
3. The Workplan shall include detailed information of former and existing chromium storage, hazardous waste management, and associated practices.

4. The Workplan must also include proposed soil sampling boring locations which shall extend to a minimum depth of 25 feet below ground surface in the areas of the previous chemical distribution and treatment areas (sumps, clarifiers, etc.), hazardous waste storage area, and chemical storage area.

The above item shall be submitted to:

Ms. Luz Arteaga
Water Resources Control Engineer
Remediation Section
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, California 90013
Phone: (213) 576-6783
Email: luz.arteaga@waterboards.ca.gov

Pursuant to 13267(a) of the CWC, any person who fails to submit reports in accordance with the Order is guilty of a misdemeanor. Pursuant to section 13268(b)(1) of the CWC, failure to submit the required Workplan described above by the specified due date(s) may result in the imposition of administrative civil liability by the Regional Board in an amount up to one thousand dollars (\$1,000) per day for each day the Workplan is not received after the above due date. These civil liabilities may be assessed by the Regional Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.

The Regional Board, under the authority given by the CWC section 13267, subdivision (b)(1), requires you to include a perjury statement in all reports submitted under the 13267 Order. The perjury statement shall be signed by a senior authorized City of Burbank and Los Angeles County Metropolitan Transportation Authority representative (not by a consultant). The perjury statement shall be in the following format:

"I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The State Board adopted regulations (Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, California Code of Regulation) requiring the electronic submittal of information (ESI) for all site cleanup programs, starting January 1, 2005. Currently, all of the information on electronic submittals and GeoTracker contacts can be found on the Internet at the following link:

http://www.waterboards.ca.gov/ust/electronic_submittal.

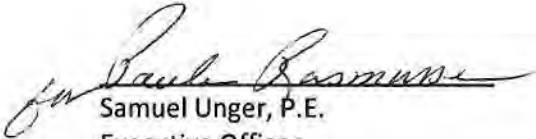
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To comply with the above referenced regulation, you are required to upload all technical reports, documents, and well data to GeoTracker by the due dates specified in the Regional Board letters and orders issued to you or for the Site. However, the Regional Board may request that you submit hard copies of selected documents and data in addition to electronic submittal of information to GeoTracker.

SO ORDERED.


Samuel Unger, P.E.
Executive Officer

3-11-13
Date